IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRI.W.P.NO.2435 OF 2006

Mr.Rohit s/o Late Vinod
Gupta and Anr. ..Petitioners
Vs.
State of Maharashtra & Anr. ..Respondents

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Ms.Seema Gupta for A.M.Saraogi counsel for Petitioners
Mr.D.P.Adsule A.P.P. for the State
Mr.Abad H.H.Ponda for Respondent No.2

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 13, 2007

P.C.

1. Heard the learned counsel for the petitioners-original accused, learned counsel for the respondent no.2-original complainant and the learned A.P.P. for the State.

2. The petitioners are facing prosecution in C.C.No.2006/SS/2004 which is pending before the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai. The said case is under Section 138 read with 141 of Negotiable Instruments Act. The petitioners are now seeking exemption from personal appearance in the said case.

3. Mr.Ponda, the learned counsel for the respondent no.2-original complainant states that there is no objection to exemption being granted to the petitioners but on the condition that they should be represented by advocate on all the dates before the trial Court and the petitioners do not dispute their identity. Mr.Ponda further stated that even recording of plea of the petitioners-accused, may be done through advocate. The learned advocate for the petitioners states that the petitioners will abide by these conditions.

4. In view of the above, the petitioners are granted exemption from personal appearance before the trial Court except the date on which the learned Magistrate is of the opinion that the presence of the petitioners is absolutely necessary, in such case, on advance notice being given to the petitioners, the petitioners shall remain present before the trial Court on that day. Trial of the said case be disposed of as expeditiously as possible and preferably by 31.12.2007.

5. Petition is disposed of.

[SMT.V.K.TAHILRAMANI, J.]